

**REPORT DOCUMENTATION PAGE****Form Approved**  
**OMB No. 0704-0188**

Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to Washington Headquarters Service, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, and to the Office of Management and Budget, Paperwork Reduction Project (0704-0188) Washington, DC 20503.

**PLEASE DO NOT RETURN YOUR FORM TO THE ABOVE ADDRESS.****1. REPORT DATE (DD-MM-YYYY)**

17-07-2009

**2. REPORT TYPE**

Master of Military Studies Research Paper

**3. DATES COVERED (From - To)**

September 2009 - April 2010

**4. TITLE AND SUBTITLE**

Effective U.S. Aid and Assistance to Pakistan's Federally Administered Tribal Area and Northwest Frontier Province

**5a. CONTRACT NUMBER**

N/A

**5b. GRANT NUMBER**

N/A

**5c. PROGRAM ELEMENT NUMBER**

N/A

**6. AUTHOR(S)**

LCDR Chad Mirt

**5d. PROJECT NUMBER**

N/A

**5e. TASK NUMBER**

N/A

**5f. WORK UNIT NUMBER**

N/A

**7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES)**USMC Command and Staff College  
Marine Corps University  
2076 South Street  
Quantico, VA 22134-5068**8. PERFORMING ORGANIZATION  
REPORT NUMBER**

N/A

**9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES)**

N/A

**10. SPONSOR/MONITOR'S ACRONYM(S)**

N/A

**11. SPONSORING/MONITORING  
AGENCY REPORT NUMBER**

N/A

**12. DISTRIBUTION AVAILABILITY STATEMENT**

Unlimited

**13. SUPPLEMENTARY NOTES**

N/A

**14. ABSTRACT**

While the U.S. is committed to Pakistan's security and prosperity, serious concerns remain regarding the ability of the U.S. government to manage and account for its humanitarian assistance. The security situation in Pakistan's Federally Administered Tribal Area (FATA) and Northwest Frontier Province (NWFP) remains very volatile. The Pakistan military is executing a conventional doctrine against an unconventional insurgent force. The military's use of heavy force in operations coupled with its failure to address collateral damage is counterproductive in the counterinsurgency fight and have displaced millions of citizens. Furthermore, Pakistani military operations aimed at crushing militant resistance are poorly coordinated with civilian relief and reconstruction efforts. The U.S. humanitarian aid flowing into FATA is not effective in assisting the IDP, and if left unabated it can do more harm than good. The U.S. is providing funds through a dysfunctional government in FATA with little or no oversight. This is due to the colonial style-era body of law that weakens the FATA government and allows militant forces to seize control of the fragile government structure. However, U.S. government has little choice but to work through the FATA institutions until Pakistan government changes the current system of governance.

**15. SUBJECT TERMS**

Internally Displaced Person, USAID, Federally Administered Tribal Area, Northwest Frontier Province

## INSTRUCTIONS FOR COMPLETING SF 298

<b>16. SECURITY CLASSIFICATION OF:</b>			<b>17. LIMITATION OF ABSTRACT</b> UU	<b>18. NUMBER OF PAGES</b> 41	<b>19a. NAME OF RESPONSIBLE PERSON</b> Marine Corps University / Command and Staff College
<b>a. REPORT</b> Unclass	<b>b. ABSTRACT</b> Unclass	<b>c. THIS PAGE</b> Unclass			<b>19b. TELEPHONE NUMBER (include area code)</b> (703) 784-3330 (Admin Office)

*United States Marine Corps  
Command and Staff College  
Marine Corps University  
2076 South Street  
Marine Corps Combat Development Command  
Quantico, Virginia 22134-5068*

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MASTER OF MILITARY STUDIES

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**Effective U.S. Aid and Assistance  
to Pakistan's Federally Administered Tribal Area  
and Northwest Frontier Province**

SUBMITTED IN PARTIAL FULFILLMENT  
OF THE REQUIREMENTS FOR THE DEGREE OF  
MASTER OF MILITARY STUDIES

**Lieutenant Commander Chad J. Mirt**

AY 2009-2010

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Date: 16 MARCH 2010

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Approved: 

Date: 16 March 2008

## **Executive Summary**

**Title:** U.S. Aid and Assistance to Pakistan's Federally Administered Tribal Area and Northwest Frontier Province

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**Thesis:** Pakistan is critical to the success of United States' Foreign Policy in Southwest Asia; and clearly U.S. interests are best served if the U.S. humanitarian aid reaches the internally displaced persons (IDP).

**Discussion:** While the U.S. is committed to Pakistan's security and prosperity, serious concerns remain regarding the ability of the U.S. government to manage and account for its humanitarian assistance. The security situation in Pakistan's Federally Administered Tribal Area (FATA) and Northwest Frontier Province (NWFP) remains very volatile. The Pakistan military is executing a conventional doctrine against an unconventional insurgent force. The military's use of heavy force in operations coupled with its failure to address collateral damage is counterproductive in the counterinsurgency fight and have displaced millions of citizens. Furthermore, Pakistani military operations aimed at crushing militant resistance are poorly coordinated with civilian relief and reconstruction efforts. The U.S. humanitarian aid flowing into FATA is not effective in assisting the IDP, and if left unabated it can do more harm than good. The U.S. is providing funds through a dysfunctional government in FATA with little or no oversight. This is due to the colonial style-era body of law that weakens the FATA government and allows militant forces to seize control of the fragile government structure. However, U.S. government has little choice but to work through the FATA institutions until Pakistan government changes the current system of governance.

**Conclusion:** The provision of humanitarian and development assistance to the citizens of FATA will not improve without fundamental changes to FATA's administrative and political system. A merger of FATA and NWFP will institute full provincial and constitutional rights in FATA, eliminating institutional ties to militant groups. Although the military has shifted its doctrine to an unconventional mindset, there is additional training and equipment required for the army to develop a successful counterinsurgency tactics. The main obstacle for the U.S. government to deliver effective aid lies in FATA's defective state structures and institutions. The U.S. should establish financial oversight mechanisms over donor-funded programs that do not rely on FATA's institutions, but instead on trusted authorities within the central government.

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## Acknowledgements

I would like to thank my family, especially my wife Yasuko, for their continued support during this study. With the busy schedule of raising a family, Yasuko afforded me the time to focus my efforts during this rigorous process with minimal interruption. I would also like to thank Dr. Eric Shibuya who assisted me on this study. Despite his busy schedule he provided a generous amount of his time editing drafts to ensure I effectively transcribed my thoughts in an understandable manner. Finally, I would like to thank the United States Marine Corps Command and Staff College. From my experience at this institution I have developed better critical thinking skills which will help me in my career in the United States Navy.



## Introduction

Pakistan is at a critical juncture for its survival as a nation. The Pakistani Taliban groups have gained considerable power in the Federally Administered Tribal Areas (FATA).<sup>1</sup> Due to a colonial-era body of law that weakens the FATA government coupled with the failure of the Pakistan military to adapt its doctrine to unconventional warfare; the militants can influence the fragile tribal structure. The North West Frontier Province (NWFP) is also experiencing its own challenges in dealing with the militants. For example, the NWFP Awami National Party (ANP) government prepared a peace deal, devised by the Pakistan military, with the Swat-based Sunni extremist Tehrik-e-Nifaz-e-Shariat-e-Mohammadi (TNSM).<sup>2</sup> After accepting the peace agreement the TNSM abducted a Frontier Corps district commander and four other troops, killed two security personnel and kidnapped three government officials.<sup>3</sup> Given the militants' refusal to end their armed campaign, the Pakistan government policy has shifted from permitting militant extremist groups to operate within its borders to militarily defeating such groups. Influenced by strong U.S. pressure, the Pakistan government launched two major military offensives against extremist militant strongholds in the NWFP and FATA in 2009.<sup>4</sup> While these campaigns proved successful in defeating targeted extremist groups; planning efforts by the Pakistan military failed to address the needs of the estimated 2.7 to 3.5 million Pakistani citizens in the NWFP and FATA who were displaced due to the fighting.<sup>5</sup>

Since 2001, the U.S. has provided Pakistan with \$10.58 billion in military and economic aid.<sup>6</sup> Of that aid, development and humanitarian assistance accounted for \$1.15 billion (10.83 percent) of the total assistance for fiscal year 2001-2007.<sup>7</sup> Development and humanitarian assistance includes the Economic Support Fund (ESF), primary education, food aid, basic health and democracy and governance.<sup>8</sup> In 2007, the State Department announced an initiative to

channel \$750 million over a 5-year period for health and education to FATA.<sup>9</sup> This grant of development and humanitarian assistance to Pakistan is an important sign to the Pakistani citizens as it demonstrates the U.S. is committed to Pakistan's security and prosperity.

Pakistan is critical to the success of U.S. foreign policy in Southwest Asia as it is the fifth largest country in the world, with a nuclear-armed military.<sup>10</sup> Pakistan's failure to defeat al Qaeda and the Taliban would strengthen global terrorism and could lead to nuclear proliferation. U.S. assistance is essential to strengthen Pakistan's democratic institutions and to defeat the extremist groups who threaten the security of both Pakistan and the United States. U.S. interests are best served if the aid intended for internally displaced persons (IDP) actually reaches the displaced citizenry. The purpose of this paper is to examine how effective U.S. assistance to Pakistan is in dealing with IDPs. This paper argues that for U.S. assistance to aid the IDPs in FATA, the Pakistan government must implement major political reforms in that region. Also, this paper argues that Pakistan's military strategy in combating the militant groups in FATA and the NWFP contradicts its political strategy.

This paper first discusses FATA's administration, the failed NWFP peace accord and IDP movement from 2008 to 2009. Second, it explains the role of the United Nations High Commissioner for Refugees (UNHCR) and what assistance the UNHCR argues is still needed for the IDPs. Third, it discusses Pakistan's politics and history, the Pakistan government response to the IDPs and the status of its current IDP programs. Fourth, it discusses the Pakistan army's strategy and their role as the country's nation builder. Fifth, it reviews the U.S. government's response to the humanitarian crisis. Finally, this paper suggests a new approach to U.S. humanitarian aid and a recommendation to the Government of Pakistan to extend full provincial rights to FATA by merging it with NWFP.

## Background

Pakistan is divided into four provinces: Punjab, Sindh, Balochistan and NWFP. The President appoints Governors to head these provinces and the constitution provides a distribution of legislative power between federal government and the provinces. The Legislative branch in Pakistan consists of the Senate and the National Assembly. In 2008, the Awami National Party won the election in the NWFP and is supporting the Pakistan's Peoples Party in Islamabad.<sup>11</sup> The NWFP government functions under the provisions of the Constitution of Pakistan.

There is also the Federally Administered Tribal Areas located along the western border of Pakistan, comprised of seven agencies.<sup>12</sup> Under Articles 246 and 247 of the constitution, the national and provincial legislatures have no jurisdiction over the seven tribal agencies.<sup>13</sup> These areas are under the jurisdiction of the federal government. While the federal government administers each of these seven agencies, each agency enjoys considerable autonomy. According to Article 247 of the Pakistan Constitution states, "notwithstanding anything contained in the Constitution, the President may, with respect to any matter, make regulations for the peace and good Government of a FATA or any part thereof."<sup>14</sup> The tribal areas have no constitutional framework.

Under the Frontier Crimes Regulation (FCR) 1901, the President of Pakistan appoints a Political Agent to exercise executive, judicial and revenue powers in FATA.<sup>15</sup> Important services such as police, judiciary, and other central government functions are not provided by the central government. The FCR 1901 grants the Political Agent the authority to impose fines, arrests, property seizures, and blockades of any tribal member in the agency.<sup>16</sup> The Political Agent grants tribal elders the status of malik.<sup>17</sup> The state relies on the services of paid intermediaries, such as the maliks to administer FATA. The malik receives financial assistance

from the administration to assist the Political Agent in suppressing crime and maintaining peace. Essentially the malik supports the government. However, this system is exploited. The militants consolidated their power by killing the maliks or persuading them to accept their authority.<sup>18</sup> Also, the militants dismantled the jurgas (tribal councils) and exposed Pakistan's weakness in depending on individuals and informal processes to govern.<sup>19</sup>

The FATA territory is therefore a virtual "no-man's land" for government officials, civilians and international agencies. According to Ahmed Rashid, the FATA region is in reality entirely controlled by the Pakistani Taliban.<sup>20</sup> The FATA government is weak by design and important elements of the Pakistan government are averse to changing this system for three reasons. First, the President enjoys discretionary powers under the constitution to make laws in FATA. Second, the military uses FATA as a strategic region to promote perceived interests in Afghanistan through local proxies.<sup>21</sup> Lastly, since the border between Afghanistan and Pakistan is very porous, the Pakistan government realizes the challenges of imposing their constitution among tribes and chooses to use an informal process to govern as much as it can.

#### *Appeasing the Militants in NWFP and FATA*

In February 2009, the Pakistan military reached an agreement between the NWFP ANP government and the TNSM militant group for the imposition of sharia in the NWFP's Malakand territory, which includes Swat.<sup>22</sup> Swat consists predominantly of Pashtun tribes and is considered a tribal area. However, in Swat the ANP government institutions function under the provisions of the constitution. For the ANP government the agreement required the following: (1) maintain religious courts to practice sharia; (2) dismantling of government security checkpoints; (3) withdrawal of government troops from the area and a return to their respective garrisons; and (4) release of militants detained in anti-terrorist operations.<sup>23</sup> In return, the TNSM

agreed to ensure the Pakistan Taliban disarm itself from heavy weapons in Swat and end its armed campaign.<sup>24</sup> The peace accord failed because the TNSM did not comply. Weeks after reaching the agreement the Pakistan Taliban killed several security personnel and government officials.<sup>25</sup> Moreover, Swat government officials including the District Police forces were forced out of Swat by the TNSM. According to Samina Ahmed, the peace agreement actually strengthened al-Qaeda's links in Swat with the Pakistan Taliban and enhanced al-Qaeda's presence in the region.<sup>26</sup>

The President of Pakistan, Asif Ali Zardari, resisted the ANP and military's pressure to sign the Nazam-e-Adl regulation order, which enforces sharia in the Malakand region. President Zardari's refusal kept the Malakand citizens from being under TNSM's version of Taliban Islamic law.<sup>27</sup> As a result, the Pakistan military took action because the TNSM's failure to comply with the peace accord compromised Pakistan's domestic and military legitimacy.<sup>28</sup>

#### *Military Action*

In the NWFP, armed forces operations designed to clear the area of militants in the districts of Swat, Shangla, Buner, Lower and Upper Dir resulted in the displacement of 3 million IDPs.<sup>29</sup> The IDPs sought refuge in government camps surrounding Swat.<sup>30</sup> In July 2009, IDPs began to voluntarily return home after the military reported the area secure and clear of militants. Many IDPs returned only to discover extensive destruction to the area's infrastructure and to find the militant networks remained active. According to the United Nation Office for the Coordination of Humanitarian Affairs (OCHA), most IDPs returned to the camps to receive food packages, thus prompting aid agencies to shift resources to areas of origin.<sup>31</sup>

In the FATA, military offensives against militants led to displacements in Banjur and Mohmand. According to the UN, estimates in October 2009, 750 thousand IDPs from Banjur

and Mohmand have been living in camps for the past year.<sup>32</sup> In addition, the Integrated Regional Information Networks report up to one hundred thousand people reportedly fled the fighting in the Khyber territory in September 2009.<sup>33</sup> From October to November 2009, approximately four hundred twenty-eight thousand civilians fled a second government offensive in South Waziristan and sought shelter in Dera Ismail Khan and Tank.<sup>34</sup> No camps were set up in the Dera Ismail Khan and Tank, resulting in IDPs seeking shelter and assistance from relatives and host families. The Red Cross was denied access to the South Waziristan area due to this government offensive in October.<sup>35</sup>

### **Humanitarian Crisis**

The United Nations Guiding Principles define IDPs as persons who have been forced to leave their places of residence to avoid the effects of armed conflict without crossing an internationally recognized state border.<sup>36</sup> The Internal Displacement Monitoring Centre states, "...the ongoing wave of displacement in Pakistan is the single largest population movement recorded in the country since it was created in 1947."<sup>37</sup> Since June 2009, the UNHCR estimates that more than three million people from Pakistan's North-West Frontier Province have fled from their homes due to conflicts between Security Forces and the Taliban.<sup>38</sup> As this is an internal problem the UNHCR is not required to provide assistance. Thus, the IDPs are dependent on national governments for protection and assistance. However, the UNHCR is assisting at the request of the Pakistan government.<sup>39</sup> According to the International Crisis group, "the UNHCR has appealed for \$543 million for IDPs up to December 2009, of which only \$114 million has been committed."<sup>40</sup> Due to this large-scale humanitarian crisis, the UNHCR and the international community are limited in resources. Also, access to the IDPs is restricted due to on-going conflicts, which compromises the international community's ability to

establish needs assessments. From the UNHCR perspective, the humanitarian crisis is lacking basic survival needs such as food, shelter, and medical assistance.

### *Food*

Pakistan is experiencing a food crisis due to: (1) increases in food prices over the past two years, and (2) the large displacement movement of farmers interfering with the harvesting of crops.<sup>41</sup> According to the Internal Displacement Monitoring Centre, the “Pakistan government estimates the total wheat deficit at 82 percent, with nearly 420,000 tons required to cover the population’s estimated needs for the next 12 months.”<sup>42</sup> In June 2009, IDPs camps received 20,000 tons of food and from August to October 2009, the Food Security Cluster distributed 4,600 tons of food to 190,000 people in Dera Ismail Khan and Tank territories.<sup>43</sup>

### *Shelter*

Most of the IDPs are living with extended families. In October-November 2009, close to 80 percent of IDPs in Malakand Division in the North West Frontier Province sought shelter with host families and all Waziristan IDPs are living with host families.<sup>44</sup> In testimony to the U.S. House of Representatives, Sherry Rehman speculated that this is another crisis waiting to unfold as the pressure of hosting such large numbers without registration or welfare support is unsustainable.<sup>45</sup>

### *Health*

Since mid-October 2009, medical resources are limited due to the security situation. Military conflict disrupted provisions of safe drinking water, which led to a severe outbreak of waterborne diseases. The World Health Organizations has reported a rising number of malaria cases and acute respiratory tract infections in children, with upper respiratory tract infections the leading cause for medical consultations across all areas.<sup>46</sup> The Internal Displacement Monitoring

Center stated, "...one of seven IDPs originating from South Waziristan is said to be suffering from acute malnutrition, and outbreaks of respiratory infections and diarrhea."<sup>47</sup> IDPs are also displaying signs of trauma, anxiety and depression. The Islamic Relief reported that 70 percent of the children who are displaced show signs of trauma.<sup>48</sup>

Due to the shortage of medical staff with technical expertise and language skills, the Islamic Relief recruited teachers from the local population and trained them to deliver basic psychological support.<sup>49</sup> There is also substantial damage to the infrastructure of hospitals in the North West Frontier Province and the Federally Administered Tribal Area. The government of Pakistan has estimated that 77 out of 161 government hospitals across the North West Frontier require major infrastructure repair prior to winter to deal with the likely outbreaks of communicable diseases.<sup>50</sup>

### **Politics and Political History**

Both the civilian government and the military play an active role in providing assistance to the IDP; however, they have different goals. The Pakistan People's Party goal is to build capacity within the NWFP and FATA government in order for those institutions to assist the IDP, while the military desires to directly provide assistance to the IDP. The military does not desire to build capacity within the FATA government. The Pakistan military does not want a stable and secure region along the Pakistan and Afghanistan border. Influenced by the Pakistan Inter-Services Intelligence Directorate (ISI)<sup>51</sup>, the Pakistan military fears that if the FATA government creates a stable and secure environment in their region then they will be required to defend the border from external forces creating a possible two front war. After the Soviet withdrawal from Afghanistan in 1989, the ISI created the Taliban insurgency to influence the predominantly Pashtun population and to create an Afghan government that would keep India



out of Afghanistan.<sup>52</sup> The Taliban-led Afghan government gave the Pakistan military a key strategic partner for any future conflict with India. Although civilian government officials dismiss this logic it has created tension between the military and the civilian government. This inherent tension between the military and the government's legitimate desire to address the underlying causes of the armed insurgency drives the different humanitarian response methods.

The tension between the government and the military can be traced back to the foundation of the state. After a long struggle with British colonialism and a bloody war against India, Pakistan gained independent status in 1947.<sup>53</sup> This war with India formed the foundation of the hostilities between the two countries. In the creation of the constitution of Pakistan, the government and the military elites were unable to accept the principle of one man, one vote.<sup>54</sup> This delayed the signing of the constitution for nine years. As the eastern part of Pakistan contained the majority of the population, the Punjab province in the western half feared that acceptance of this fundamental democratic principle would permanently shift power to the eastern half of the population, the Bengalis.<sup>55</sup> In 1971, this tension led to East Pakistan breaking away and forming Bangladesh.<sup>56</sup> The Punjab province now contained the majority of the population, which resulted in the disproportionate recruitment of military, government and police personnel from Punjab.<sup>57</sup>

The continued tension with India and the internal instability within the government have solidified the military's role in Pakistan.<sup>58</sup> Since Pakistan's existence, the armed forces have assumed a dominant role in politics with Pakistani generals promoting the national interests of developing nuclear weapons and supporting a Taliban-led Afghan government to defend itself from India; rather than focusing on democratic, economic and political institutions, which are the true elements of national security.

## **Pakistan Government Response**

The challenge for the Pakistan government is twofold: (1) maintain public support for a military operation with high casualties; and (2) provide urgent relief, reconstruction and rehabilitation for FATA's and NWFP's displaced millions.<sup>59</sup> In May 2007, the Pakistan government recognized the need to establish a lead agency for risk reduction and coordination of responses to national disasters at the federal, provincial and district level. They created the National Disaster Management Authority (NDMA) to serve as that agency. In 2009, the Pakistan Government created two subordinate levels to the NDMA: the Provincial Disaster Management Authority (PDMA) and the District Disaster Management Authorities (DDMA).

At the provincial level, the NWFP government judged the PDMA's existing capacity to be insufficient in the dealing with the IDPs.<sup>60</sup> In May 2009, the NWFP government established the Emergency Response Unit (ERU) to act as the operational agency for relief response in the displacement areas. Led by the NWFP Chief Secretary, the ERU adopted a decentralized approach, which enabled civilian authorities to provide relief aid to the IDPs more rapidly. The creation of the ERU is a first for Pakistan. The Pakistan government recognized the importance of providing immediate relief to the IDPs and gaining continued public support for the military's operations.

The establishment of the ERU opened up opportunities to build trust between the civil groups and the military. The ERU promotes the idea of local ownership and generates sustainability at the local level of the government. An Oxfam International briefing states, "the ERU's involvement in humanitarian coordination mechanisms offered more benefits for beneficiaries than drawbacks and the United Nations agencies argued the positive outcomes of local ownership in the coordination process."<sup>61</sup>

In May 2009, the Pakistani government, at the request of the military, established the federal level Special Support Group (SSG). Lieutenant General Nadeem Ahmed, who also serves as an Army Corps Commander, heads the SSG. General Ahmed directed the civilian relief efforts after the earthquake of 2005. The SSG's role is to assist the provincial government in rehabilitation and reconstruction. While General Ahmed is subordinate to the Provincial Governor and the PDMA, in practical terms his appointment confirms the military's influence over relief efforts.<sup>62</sup> The SSG's services include logistics, health, administration and registration support.

The civilian-led National Database and Registration Authority (NADRA), acts as the lead agency in registering IDPs. Initially, NADRA was attached to the government under the Ministry of Interior. However in 2000, NADRA established itself as a corporation acting independently from the government.<sup>63</sup> Prior to the IDP crisis in 2008 NADRA's core responsibilities was to design a "smart card," with embedded biometric data for the government's Benazir Income Support Program (BISP).<sup>64</sup> The BISP is a social welfare program focused on vulnerable households headed by divorced or widowed women.<sup>65</sup> Beneficiaries receive monthly cash assistance of rupee (Rs) 1,000 (\$12.50) directly via their cards, in addition to health care.<sup>66</sup> However, with the recent humanitarian crisis the government has shifted its priority from socially vulnerable women to IDPs. Under the new system, NADRA restructured its smart card program to register IDPs at government and non-government camps.<sup>67</sup> The government announced 45,000 of the most vulnerable displaced families who hold the smart card from FATA and Malakand would receive Rs 25,000 (\$310.50) in assistance.<sup>68</sup> While basic civil services are mandatory for the survival of IDPs, cash based assistance gives the IDP some economic independence. Additionally, the conception of the smart card and the distribution of

financial resources is an incentive for all IDPs to register, enabling the government to channel assistance even to IDPs residing in non-government camps. However, Pakistan requires financial assistance to sustain the grants per displaced family through the BISP program.<sup>69</sup>

#### *Pakistan Economic Future*

In order to prevent the return of militant groups into the region, the Pakistan government needs to take an aggressive approach to provide relief, rehabilitation and reconstruction to the returning IDPs as they integrate back into their communities. Secretary of State Clinton has stated, "... in the past months we have supported Pakistan as it seeks to strengthen democratic institutions, foster economic development and defeat extremists groups in the region".<sup>70</sup>

Secretary Clinton also made it clear that the U.S. will continue to support Pakistan on large "signature" projects such as transportation, agriculture and education.<sup>71</sup> In terms of humanitarian aid for the IDPs, the Pakistan government provided Rs 50 billion (\$625 million) in the budget for relief, reconstruction and rehabilitation efforts.<sup>72</sup>

Pakistan government's struggle to find funds for the relief effort opens the door for militant groups who are already delivering both relief and financial aid. These groups are hoping to use this crisis to win the "hearts and minds" of the local population. Militant groups, such as the Falah-i-Insaniat Foundation (FIF) and the Lashkar-e-Taiba (LeT), are actively assisting the IDPs.<sup>73</sup> According to the International Crisis Group, the LeT claimed to provide roadside camps with 24-hour kitchens that fed 53,000 people.<sup>74</sup> Under the anti-Terrorism Law, the Pakistan government has officially prohibited these militant groups from providing assistance. On December 10 2008, the UN Security Council designated the LeT as a terrorist organization for their involvement in the Mumbai attacks.<sup>75</sup> This designation allowed Islamabad to freeze their

assets and ban the organization from Pakistan. Despite these actions, the LeT reconstituted as the FIF and sent 2,000 workers to provide assistance to the IDPs in the NWFP.<sup>76</sup>

### **Pakistan Military**

The military failed in its operations because it did not change its military doctrine from conventional to unconventional warfare.<sup>77</sup> The army's poor strategic decisions made no distinction between combatants and non-combatants;<sup>78</sup> placed excessive focus on enemy targeting and "high value targets"; and led to dependency on large scale multi-unit forces rather than smaller units dispersed among the population.<sup>79</sup> The military's use of heavy force in past operations coupled with its failure to address collateral damage proved counterproductive in the counterinsurgency fight.

Protecting the population and maintaining public support during operations is key for effective counterinsurgency. Military operations aimed at crushing militant resistance are poorly coordinated with civilian efforts aimed at encouraging democracy and reconstruction.

Additional efforts are required in the protection of civilians. According to the Counterinsurgency Field Manual, the initial goal in the first stage of counterinsurgency is to "protect the population, break the insurgents' initiative and momentum, and set the conditions for further engagement."<sup>80</sup> The Pakistan army will have to adopt these counterinsurgency practices and expose themselves to greater vulnerabilities to achieve population security.

Speculation is rampant as to why the army did not consider the implications of collateral damage while performing military actions. David Kilcullen states, Pakistani army operations "...have been enemy focused, aimed at hunting down and killing or capturing key enemy personnel."<sup>81</sup> The army's efforts resulted in civilian collateral damage and casualties that have alienated the population.

In a May 6, 2009 press statement, Secretary Clinton indicated the military leadership of Pakistan did not pursue an appropriate strategy to defeat the militant groups.<sup>82</sup> Additionally, she stated the military leaders did make a paradigm shift to understand the threat and are working on a new approach to combat the militant groups.<sup>83</sup> In July 2009 after the military operations in Swat, the Pakistan army acknowledged mistakes in their strategy and claimed it was adopting counterinsurgency tactics.<sup>84</sup> In October 2009, the military launched a ground assault in South Waziristan with sufficient troops, intelligence assets and air assets.<sup>85</sup> David Ignatius has written the Pakistani army sent enough troops to be able to disperse themselves among the population.<sup>86</sup> The army established a blockade around the target area for two months to cut off enemy and supply movement while airstrikes hit their targets. Pakistan intelligence officers intercepted electronic signals and targeted the Tehrik-i-Taliban Pakistan network for Pakistani and U.S. drone airstrikes combined with a rapid follow-on ground assault.<sup>87</sup> Although, this operation confirms that Pakistan is achieving tactical military success it is still not protecting the population.

The army's use of indiscriminate force contradicts their role as a nation-builder. The head of a Peshwar-based non-government organization (NGO), states, "...when you have a federal structure [SSG], with a general at the head, the IDPs will believe it will not work and look elsewhere to make ends meet."<sup>88</sup> This raises serious concerns about the Pakistan army's ability to balance military operations with humanitarian relief efforts. Military operations aimed at crushing militant resistance are poorly coordinated with civilian efforts aimed at encouraging democracy and reconstruction. According to Ahmed Rashid, "...the Pakistan Army is an active participant in the hostilities that caused the displacement and there is growing distrust in the

Pakistani army in nation building.”<sup>89</sup> This creates tension between the population, military and the government.

### **U.S. Humanitarian Assistance to Pakistan**

Pakistan is facing a major humanitarian crisis and U.S. assistance is crucial not only to the assistance of the People of Pakistan, but also to the security of United States and the world. According to Special Representative for Afghanistan and Pakistan Richard Holbrooke, “The U.S. responded with as much assistance as it could offer to help meet displaced people’s urgent needs.”<sup>90</sup> On May 19, 2009 the U.S. announced an initial \$110 million assistance package – involving State, United States Agency for International Development (USAID) and Department of Defense humanitarian accounts.<sup>91</sup> On June 2, 2009 the U.S. announced an additional \$200 million for humanitarian relief.<sup>92</sup> In addition, the U.S. responded to a Pakistani request for additional helicopters and to date has provided four Mi-17 helicopters.<sup>93</sup>

The U.S. military delivered humanitarian aid to the Pakistan military and the relief groups, both international and non-government organizations at the request of the Pakistan government. The U.S. military did not engage in delivering aid directly to the civilian population. Secretary of State Clinton reported the U.S. was very pleased to hear the Pakistan government appoint General Nadeem Ahmed to head up these efforts.<sup>94</sup> Secretary Clinton said, “[General Nadeem Ahmed] was extremely capable and produced positive results, and where necessary asked for help not only from the United States but from other international groups...and that's what we're expecting will happen this time.”<sup>95</sup> This highlights the point that what the U.S. desires with the use of aid and what the Pakistan NGOs want do not always coincide—as the agents the U.S. view as trustworthy and legitimate are not held in the same regard by the local populace.

In a June 2009 trip to Pakistani IDP camps, Richard Holbrooke stated, “the U.S. is acutely aware that schools and families hosting refugees are under tremendous strain, and future reconstruction needs will be great.” Also, according to Samina Ahmed, most FATA IDPs have yet to receive adequate assistance or compensation for their properties.<sup>96</sup> In an effort to put more attention on resources toward Pakistan, President Obama has pledged his support by signing the Enhanced Partnership with Pakistan Act. The bill tripled the U.S. civilian economic and development assistance to Pakistan to \$1.5 billion annually through 2014.<sup>97</sup> The President’s delivery of this aid is essential to Pakistan’s security and the security of the United States.

#### *Assistance Problem*

The U.S. is providing funds through a dysfunctional government in FATA with little or no oversight. The USAID Office of Transition Initiatives in FATA is working primarily with the FATA secretariat and the Political Agents. The FATA secretariat approves the development contracts that are then awarded to local contractors through bidding. The USAID does have staff on the ground but the volatile security environment prevents USAID staff from overseeing U.S. funded projects.<sup>98</sup> By awarding development contracts to local NGOs, USAID still has to rely mainly on the political agents and maliks to gain access to areas and target programs. The political agent and the malik play a central role in allocating and disbursing assistance; communities in FATA have little say in identifying areas for development aid. According to Samina Ahmed, “The Pakistan government has urged the U.S. to channel funds directly to Pakistani state institutions to reduce the amount spent on paying of foreign personnel and other administrative costs.”<sup>99</sup> The central government urges this practice because it is not willing to give up their financial and political benefits of overseeing FATA’s governance. The U.S. must recognize the pitfalls of working primarily through a tribal system.



Development aid must be part of the broader plan connected to the FATA government. U.S. humanitarian assistance projects should aim to strengthen government capacity. The FATA government clearly does not have the capacity to handle multi-million dollar contracts. One option is to build capacity in the FATA government, but this is a very difficult undertaking for the U.S. government and it appears the Pakistan government is uninterested. In FATA, building capacity would take years. Thus, providing development aid prematurely is going to have a negative impact on these institutions and could do more to alienate than gain the support of the FATA's citizenry.

The Pakistan government faces significant challenges implementing reform in FATA. On the one hand, the military is averse to changing FATA's status since it uses this region as a base to promote perceived threats, but the area needs to be secure enough for government authorities to administer relief aid. On the other hand, the central government is averse to changing the constitutional status of the FATA citizens because it does not want the FATA administration to get too strong politically. Integrating FATA constitutionally increases the number of seats in the National Assembly, giving the tribal area a bigger role on the national political stage. The U.S. offers little help in this situation as our aid is designed to improve government capacity and improve security. Under these circumstances, the U.S. should change its approach in delivering aid until the Pakistan government fully incorporates FATA into the province of the NWFP.

#### **New Approach to Humanitarian Assistance**

The overall goal of U.S. aid is to help the IDP and to promote peace, democracy, and economic growth.<sup>100</sup> The mission of USAID is to ensure that all of the assistance is spent in a manner that most effectively helps those in need. However, providing aid with no oversight and accountability in an area like FATA is not helping the U.S. achieve its objectives. The Obama

Administration is obviously committed to Pakistan but the U.S. needs to take a more controlled approach. The U.S. needs to ensure that funds are appropriated through proper channels of the Pakistan government to improve the likelihood that such funds reach their targeted audience. In order to accomplish the mission of providing effective aid to the IDP, the U.S. needs to take a whole-of-government approach to include every agency in the U.S. government's arsenal. The U.S. must recognize that the relationship with Pakistan is in a new phase that will require a long time to develop properly. For U.S. assistance to be effective in Pakistan, this study proposes two recommendations.

The main obstacle for USAID to deliver effective aid lies in FATA's defective state structures and institutions. The first recommendation involves channeling aid through NWFP-based NGO and NADRA to support programs like BISP. The U.S. should establish financial oversight mechanisms over donor-funded programs that do not rely on the political agents and malik, tribal elites. Instead the U.S. should use more representatives and independent bodies such as the NADRA and NWFP-based NGOs with proven records of carrying out programs in FATA.

In the initial response to the humanitarian crisis, the U.S. Disaster Assistance Response Team (DART) composed of embassy personnel assisted Pakistan authorities in evaluating the needs of the IDP. In addition to the DART and the Pakistan authorities, the NADRA is an ideal organization to assist in assessing IDPs needs. By creating a similar smart card based on the same technology available from NADRA, U.S. funds would allow the DART personnel to channel assistance to IDP upon the initial assessment. An assistance stipend is determined on the basis of the individual and the severity of the IDP's situation from which they are fleeing.

The smart cards would contain biometric data on the beneficiary and the details of the assistance the IDP is entitled to receive. Biometric data is valuable for two reasons. Tracking an individual's identity prevents abuse of the system and is a necessary step for improving the accountability and transparency of humanitarian aid. If properly implemented and maintained, the smart card system could reduce humanitarian relief costs. By channeling the funds into a single aid provision mechanism, the need for the political agent and the maliks is eliminated and allows USAID to have an external oversight mechanism that is not dominated and less influenced by the FATA institutions.

The second recommendation involves the U.S. assisting the Pakistan military by providing training and equipment to enhance the Pakistani military's capacity at conducting soft power missions. The earthquake relief in 2005 and 2006 illustrates an example of what is possible and what limits U.S. aid in winning the "hearts-and-minds" of the population. According to Kenneth Braithwaite, the U.S. response to the 2005 earthquake was the largest relief effort in U.S. military history.<sup>101</sup> The U.S. military evacuated 3,751 casualties and established two field hospitals to provide medical treatment to more than 35,000 patients.<sup>102</sup>

Pakistan praised the U.S. for the humanitarian assistance. According to polling data from the Pew Research Center, favorable public opinion toward the U.S. increased 23 percent in response to the aid provided in November 2005.<sup>103</sup> This data demonstrates that humanitarian relief is an effective way of signaling U.S. commitment and, more importantly, highlights that the U.S. can capture the support of local citizens through soft power. However, polling data indicates public opinion declined in the early part of 2006 after a U.S. drone strike. According to the Pew Reports, a U.S. military strike by an unmanned aerial vehicle on a madrasa on January 13, 2006, played an important role in eroding the good will the U.S. had gained by the

earthquake relief.<sup>104</sup> Just as the U.S. gained favorable public opinion for humanitarian relief actions during the Pakistan earthquake in 2005, it can provide training and equipment to enhance the Pakistani military's capacity at conducting soft power missions.

### **FATA Reform**

The major issue at hand is how to integrate the Pakistan central government, with the tribal areas like FATA in order to achieve effective aid. Opposition to government reform comes not from the citizens of FATA but rather from the Pakistan military, political agents, and the maliks, all of whom will lose significant power if reform is implemented. The one major reform package the U.S. should promote is the extension of full provincial rights to FATA by merging it with NWFP.

FATA is underdeveloped and was so before the growth of militancy in 2002. In a survey conducted in FATA, by the Community Appraisal & Motivation Programme in December 2008, a majority (54.95 percent) of the population are dissatisfied with their life in FATA.<sup>105</sup> When asked to identify the most important services that the Government of Pakistan should provide to their Agency; justice, education and health were selected as the most important services. FATA remains the least developed region in Pakistan, with 60 per cent of its residents living below the poverty line.<sup>106</sup> Basic services such as roads, hospitals, and electricity are needed for economic activity. The government's current development allocation for FATA is \$11.30 per capita, compared to a national annual average of \$25.55.<sup>107</sup> The state's failure to provide basic services and support economic opportunity is contributing to the growth of the insurgency and inhibiting the effectiveness of the aid.

Extending full provincial rights is an effective means of establishing the state's writ over FATA.<sup>108</sup> Merging FATA with NWFP fundamentally changes FATA in four major areas: (1) it

allocates seats for FATA's seven agencies in NWFP's provincial assembly; (2) it allows the NWFP provincial assembly and the National Assembly to legislate FATA policy; (3) it eliminates the role of jirgas and establishes civil and criminal courts at the at the district level; and (4) it abolishes FATA secretariat and the FATA political agents.<sup>109</sup> There are concerns in Pakistan regarding the merger of FATA and the NWFP. Particularly, the Punjabi dominated military oppose the merger because it would increase the number of seats from NWFP in the National Assembly, giving the province a bigger role on the national political stage.<sup>110</sup> These reservations notwithstanding, the merger of the FATA and NWFP is an essential step to achieve an effective reformation of the FATA.

FATA's economic links with NWFP could be easily incorporated into NWFP. U.S. humanitarian assistance projects aim to strengthen government capacity and to assist IDPs. However, USAID has little choice but to work through the FATA institutions until Pakistan changes the current system.<sup>111</sup> U.S. government officials are under tremendous pressure from senior Pakistan officials to channel funds directly through FATA institutions. Pakistan Finance Minister Shaukat Tain stated, "Whatever aid [the US is] giving must have full impact on the ground which is why they should route as much of this aid through our agencies rather than their own agencies."<sup>112</sup> Instead, the U.S. should resist this pressure and demand the delivery of assistance contingent on reform in the regions dysfunctional institutions. For example, to promote the development of FATA's institutions, a limited amount of aid should be funneled through local institutions contingent on their meeting certain standards of transparency. If FATA economic links are not connected with the Pakistan government then U.S. should be concerned about the capacity of FATA institutions to effectively use these funds and the potential for corruption.

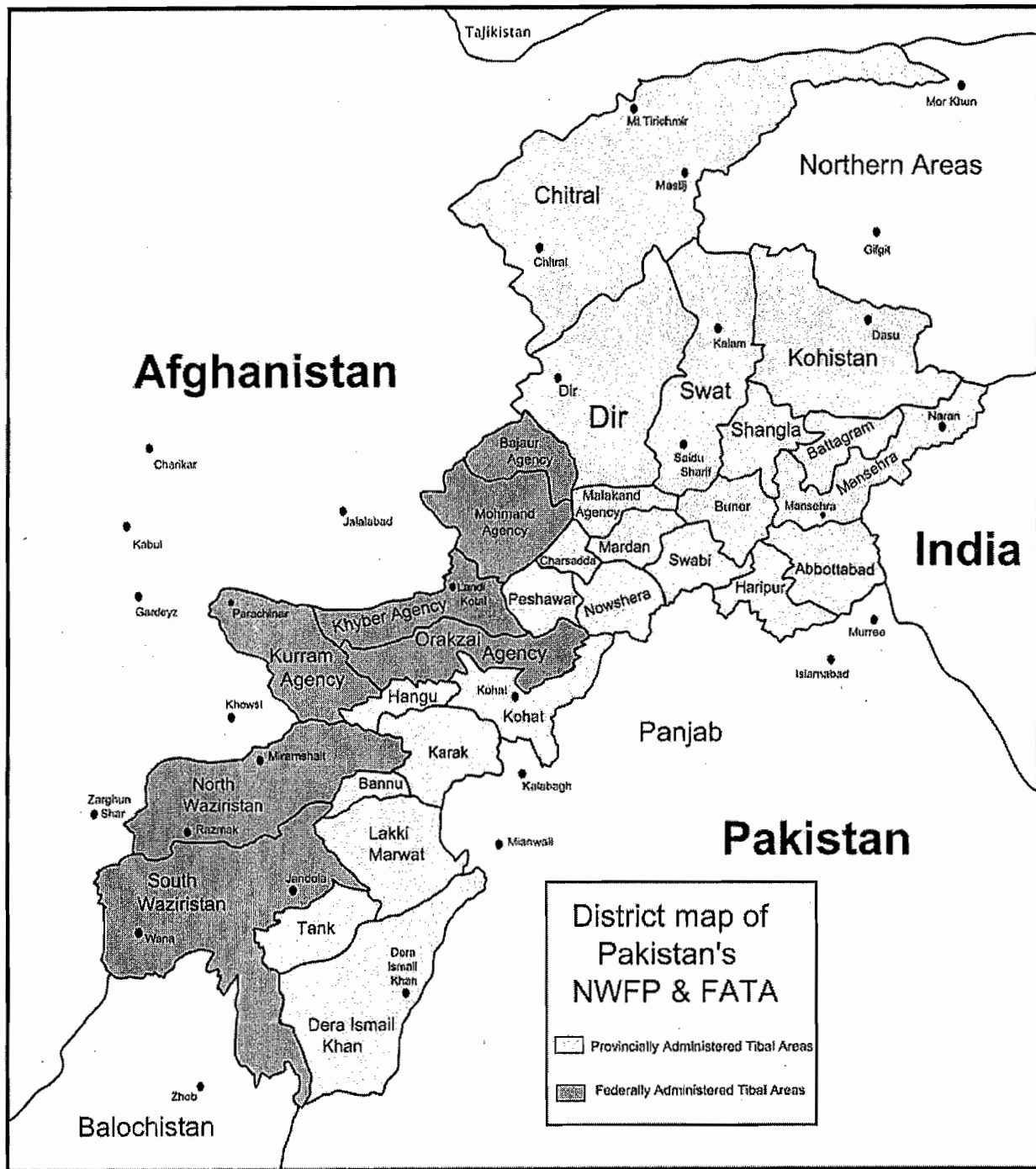
## **Conclusion**

U.S. assistance to Pakistan in dealing with IDPs is not effective in FATA and the NWFP. Weak social and political institutions in FATA have enabled militant groups to infiltrate FATA's government. Poorly planned military operations have led the citizens of FATA and the NWFP to distrust the military and the government. Also, given the limited access in FATA and parts of the NWFP, USAID and international personnel have not calculated the full cost of the conflict for displaced persons.

Pakistan's humanitarian crisis includes a shortage of basic survival needs such as food, shelter, and medical assistance. U.S. aid and assistance are very effective tools at saving lives, reducing poverty and relieving human suffering. While the U.S. can provide humanitarian aid and assistance, funding levels need to be kept in line with local government institutions ability to plan and implement humanitarian projects.

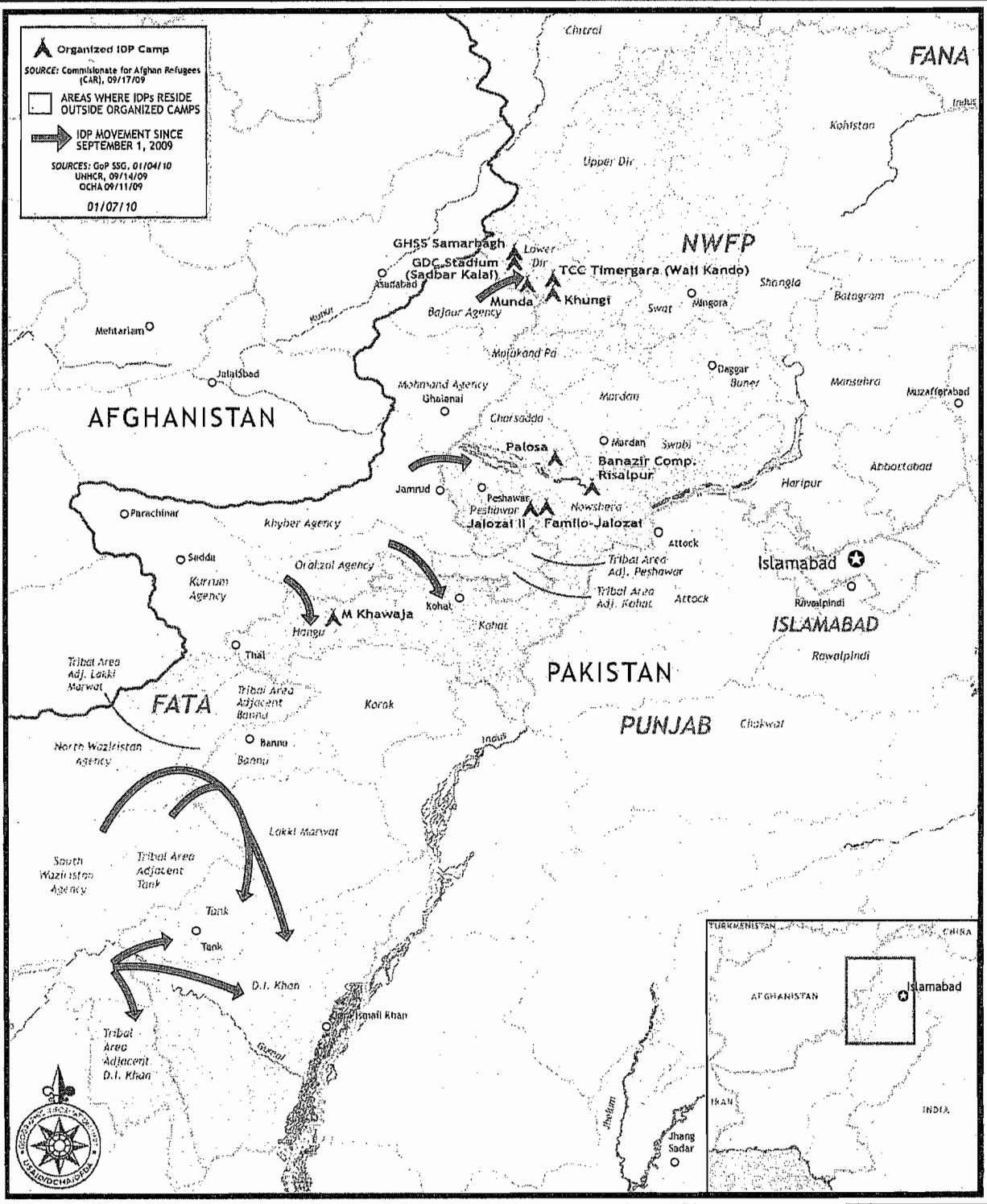
By indiscriminately providing large amounts of aid channeled to the FATA government without proper planning and oversight the United States contributes to the fostering of corruption, which in turn erodes the legitimacy of the FATA institutions. This corruption has a destabilizing effect on the population and their trust of their government. For example, IDP's perceive humanitarian aid from the Pakistan government as insufficient to address their needs and they do not trust government to handle the crisis. This is highlighted by the fact that 80 percent of IDPs in the NWFP sought shelter with host families and all South Waziristan IDPs are living with host families. The establishment of a trusting relationship between the citizens of FATA and the central government is not dependent upon the size of U.S. aid but on Pakistani central government and military efforts to willingly address the needs of the IDPs in FATA.

# APPENDIX<sup>113</sup>







APPENDIX<sup>115</sup>

## Endnotes

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<sup>4</sup> Testimony by Dr. Samina Ahmed on "*The Situation and the Stakes*."

<sup>5</sup> Nina Birkeland. "Pakistan: Millions of IDP and Returnees Face Continuing Crisis." Internal Displacement Monitoring Centre (December 2009), 1.

<sup>6</sup> Craig Cohen, "A Perilous Course: U.S. Strategy and Assistance to Pakistan." *Washington: The Center for Strategic and International Studies*, 2007, 25. <http://www.merin.ndu.edu.com/>. (Accessed December 14, 2009).

<sup>7</sup> Cohen, viii.

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<sup>11</sup> Patten, 4.

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<sup>13</sup> 1973 Constitution of Pakistan, Article 246 and 247.

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<sup>17</sup> Ibid., 3.

<sup>18</sup> Ibid., 1.

<sup>19</sup> Ibid., 4.

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<sup>24</sup> Ibid.

<sup>25</sup> Thomas Pickering, "Pakistan: The Militant Jihadi Challenge." *International Crisis Group*, no. 187 (March 2009), 14.

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<sup>27</sup> Pickering, 14.

<sup>28</sup> Testimony by Dr. Samina Ahmed "*The Situation and the Stakes.*"

<sup>29</sup> Nicki Bennett, "Missing Pieces: Assessing the Impact of Humanitarian Reform in Pakistan," *Oxfam International* (October 2009): 11. <http://www.merin.ndu.edu.com/>. (Accessed December 28, 2009).

<sup>30</sup> Ibid, 11.

<sup>31</sup> Ibid., 3.

<sup>32</sup> Birkeland, 3.

<sup>33</sup> Ibid., 3.

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<sup>34</sup> Ibid., 3.

<sup>35</sup> Ibid., 8.

<sup>36</sup> Guiding Principles on Internal Displacement, UN Doc. CN.4/1998/53/Add.2, 11 Feb 1998.

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<sup>39</sup> House Subcommittee on National Security and Foreign Affairs. *Testimony by Kenneth Bacon to the Committee on Oversight and Government Reform hearing on "The U.S. Contributions to the Response to Pakistan's Humanitarian Crisis: The Situation and the Stakes."* 111<sup>th</sup> Cong. 1<sup>st</sup> sess., June 16, 2009). [http://www.oversight.house.gov/index.php?option=com\\_Content&task=view&id=4295&Itemid=30](http://www.oversight.house.gov/index.php?option=com_Content&task=view&id=4295&Itemid=30). (Accessed December 28, 2009).

<sup>40</sup> Arbour, 3.

<sup>41</sup> Birkeland, 4.

<sup>42</sup> Ibid., 5.

<sup>43</sup> Ibid., 5.

<sup>44</sup> Ibid., 5.

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<sup>46</sup> Birkeland, 5.

<sup>47</sup> Ibid., 6.

<sup>48</sup> Ibid.

<sup>49</sup> Ibid.

<sup>50</sup> Ibid.

<sup>51</sup> Rashid, 25.

<sup>52</sup> Ibid.

<sup>53</sup> Zoltan Barany, "Authoritarian in Pakistan," *Policy Review*, no. 156 (August-September 2009): 4-5. <http://www.merin.ndu.edu.com/>. (accessed December 28, 2009).

<sup>54</sup> Ibid.

<sup>55</sup> Ibid.

<sup>56</sup> Ibid.

<sup>57</sup> Ibid.

<sup>58</sup> Rashid, 47.

<sup>59</sup> Testimony by Sherry Rehman "*The Situation and the Stakes.*"

<sup>60</sup> Bennett, 11.

<sup>61</sup> Ibid., 12.

<sup>62</sup> Arbour, 4.

<sup>63</sup> National Database & Registration Authority, <http://www.nadra.gov.pk/> (Accessed January 24, 2010).

<sup>64</sup> Arbour, 10.

<sup>65</sup> Ibid.

<sup>66</sup> Ibid.

<sup>67</sup> Ibid.

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<sup>69</sup> Testimony by Sherry Rehman "*The Situation and the Stakes.*"

<sup>70</sup> Hillary Rodham Clinton, Remarks by the Secretary of State at the American Pakistan Foundation's Inaugural Gala Benefit, posted December 11 2009, <http://www.state.gov/secretary/rm/2009a/12/133472.htm>. (Accessed December 28, 2009).

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<sup>72</sup> Testimony by Sherry Rehman "*The Situation and the Stakes.*"

<sup>73</sup> Ibid.

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<sup>74</sup> Arbour 7.

<sup>75</sup> Ibid.

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<sup>78</sup> Arbour, 9.

<sup>79</sup> Sameer Lalwani, “The Pakistan Military’s Adaptation to Counterinsurgency in 2009.” *Combating Terrorism Center Sentinel* 3, no.1 (January 2010). <http://www.ctc.usma.edu/sentinel/CTCSentinel-Vol3Iss1.pdf> (accessed January 12, 2010), 9.

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<sup>81</sup> Kilcullen, 241.

<sup>82</sup> Hillary Rodham Clinton, Remarks by the Secretary of State on the “U.S.-Afghanistan-Pakistan Trilateral Consultations II,” posted May 6, 2009, <http://www.state.gov/secretary/rm/2009a/05/122706.htm> (accessed December 28, 2009).

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<sup>84</sup> Lalwani, 10.

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<sup>86</sup> David Ignatius, “A Savvy Swat Strategy.” *Washington Post*, October, 2, 2009.

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<sup>88</sup> Arbour, 5.

<sup>89</sup> Rashid, 47.

<sup>90</sup> House. Subcommittee on National Security and Foreign Affairs. *Testimony by Richard C. Holbrooke to the Committee on Oversight and Government Reform hearing on “Afghanistan and Pakistan: Oversight of a New Interagency Strategy.”* 111<sup>th</sup> Cong. 1<sup>st</sup> sess., June 24, 2009. [http://oversight.house.gov/index.php?option=com\\_content&task=view&id=3724&Itemid=2](http://oversight.house.gov/index.php?option=com_content&task=view&id=3724&Itemid=2) (Accessed December 28, 2009).

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<sup>92</sup> Ibid.

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<sup>94</sup> Hillary Rodham Clinton, Remarks by Secretary of State on “Humanitarian Aid to Pakistan,” posted May 19, 2009, <http://www.state.gov/secretary/rm/2009a/05/123640.htm> (accessed on December 28, 2009).

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<sup>97</sup> Clinton, “Humanitarian Aid to Pakistan.”

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<sup>100</sup> United States Agency for International Development, [http://www.usaid.gov/about\\_usaid/](http://www.usaid.gov/about_usaid/) (Accessed January 12, 2010).

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<sup>104</sup> Ibid, 3.

<sup>105</sup> Shinwari, Naveed. “Understanding FATA: Attitudes towards Governance, Religion and Society in Pakistan’s Federally Administered Tribal Areas.” *Community Appraisal and Motivation Programme* (December 2008), <http://www.understandingfata.org/> (Accessed January 12, 2010), 17.

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<sup>107</sup> Patten, 10.

<sup>108</sup> Ibid., 13.

<sup>109</sup> Ibid., 1.

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